



The State of New Hampshire Insurance Department

56 Old Suncook Road
Concord NH 03301-5151

**Roger A. Seigny
Commissioner**

**Alex Feldvebel
Deputy Commissioner**

BULLETIN

TO: All Insurers Licensed to Sell Accident and Health Insurance
All Health Maintenance Organizations
All Nonprofit Health Service Corporations
All Producers Licensed to Sell Accident and Health Insurance

DATE: October 3, 2003

RE: Chapter 188, Laws of 2003 (SB 110)
Clarification of Guaranteed Issue Requirements

SIGNED: Roger A. Seigny
Commissioner

Docket Number: 03-041-AB

RSA 420-G requires that carriers make available to all small employers, on a guaranteed issue basis, the health insurance products that they are writing. In anticipation of the change in market rules on January 1, 2004, carriers currently writing in the market have reported increased renewal activity for the fourth quarter. These carriers are concerned that small employer groups may be attempting to lock in rates under the existing rating rules before the January 1, 2004 changes. The carriers report that employer groups are seeking to initiate new contracts well before the renewal date of their existing policies. This fourth quarter renewal activity raises antiselection concerns, and concerns related to maintaining parity among the carriers presently in the market and new market entrants.

However valid a company's adverse selection concerns may be, the Department does not have the authority to waive the statutory requirement that all carriers in the market issue insurance to small groups and renew insurance upon the request of a small group. The Department is prepared to ensure that all existing market participants are fully complying with these requirements. Any allegation regarding a carrier's failure to comply with the guaranteed issue requirements during this transition period, or at any time, will be thoroughly investigated by the Department.

Questions regarding this bulletin should be brought to the attention of Leslie Ludtke, Health Policy Analyst

